

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

COREY ALAN BENNETT,	)	
	)	
Plaintiff	)	
	)	No. 3:15-0617
v.	)	Judge Campbell/Brown
	)	<b>Jury Demand</b>
OFFICER JAVIN GRIFFIN, <i>et al.</i> ,	)	
	)	
Defendants	)	

**TO: THE HONORABLE TODD J. CAMPBELL**

**O R D E R**

For the reasons stated below, the Magistrate Judge recommends that the Plaintiff's four repetitive motions (Docket Entries 65, 67, 68 and 70) be denied for the reasons previously stated in the Magistrate Judge's report and recommendation (Docket Entry 57) and previous order concerning the Plaintiff's transfer to a new prison (Docket Entry 61).

**BACKGROUND**

These four motions are in effect a rehash of the previous motions the Plaintiff has filed, all of which have been previously addressed in the Magistrate Judge's report and recommendation (Docket Entry 57) and in an order concerning his transfer to a new prison (Docket Entry 61). The State has promptly responded all of these motions (Docket Entries 66, 69, and 71).

**LEGAL DISCUSSION**

The Plaintiff appears to believe that if he continues to file the same motion that it will somehow gain additional credence. The Magistrate Judge does not believe that the Plaintiff has shown

any likelihood of success. Currently in his response to the motions for injunctive or similar relief the Warden has noted he would be derelict if, given the Plaintiff's litigation history, he did not keep the Plaintiff under 24-hour surveillance both for the Plaintiff's protection and for the protection of the prison employees who are required to have contact with the Plaintiff.

The Magistrate Judge does not see the necessity of spending additional time repeating what has already been said in his earlier orders and reports and recommendation.

As noted in Docket Entry 61 in the case of *Bennett v. Westbrook*, Case 3:15-CV-937, the Magistrate Judge will be conducting a hearing where the Plaintiff's transportation and medical records will be produced in order to see if that complaint and other of his complaints have any factual basis. That hearing is presently scheduled for December 16, 2015, at 1:00 p.m.

The Magistrate Judge would note that if the prison officials are actually threatening the Plaintiff with retaliatory actions if he files lawsuits, that they have been remarkably ineffective. The Plaintiff's claims, when taking in the totality of the number of cases he has filed, simply lack credibility.

#### **RECOMMENDATION**

For the reasons stated above, the Magistrate Judge recommends that the four pending motions be denied.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has **14 days** from receipt of this Report and

Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have **14 days** from receipt of any objections filed in this Report in which to file any responses to said objections. Failure to file specific objections within **14 days** of receipt of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *Thomas v. Arn*, 474 U.S. 140 106 S. Ct. 466, 88 L.Ed.2d 435 (1985), *Reh'g denied*, 474 U.S. 1111 (1986).

**ENTER** this 23<sup>rd</sup> day of November, 2015.

/s/ Joe B. Brown  
JOE B. BROWN  
United States Magistrate Judge